

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE MEDTRONIC, INC.
IMPLANTABLE DEFIBRILLATORS
PRODUCTS LIABILITY
LITIGATION

MDL NO. 05-1726 (JMR/AJB)

This documents relates to:
All Cases

**ORDER ALLOWING
DISBURSEMENT OF
SETTLEMENT PROCEEDS FOR
ELIGIBLE CLAIMANTS AND
RELATED MATTERS**

Upon consideration of Plaintiffs' Co-Lead Counsel's Amended Motion to the Court for the disbursement of settlement proceeds to Eligible Claimants; for approval of the proposed protocol for resolving lien categorization disputes; for disbursement of funds for the payment of administrative costs; for approval of expenses from the common-benefit fund; for approval of payment of supplemental attorneys' fees; and for approval of the charitable contribution and based on the files, records and pleadings herein, IT IS HEREBY ORDERED THAT:

1. The Settlement Proceeds for the Eligible Claimants be disbursed from the Settlement Fund pursuant to Exhibit A attached to the Supplemental Affidavit of Daniel E. Gustafson dated December 9, 2008, filed in support of the Amended Motion.

2. Plaintiffs' Co-Lead Counsel's proposed protocol (along with the attached Q and A) for resolving lien disputes, attached to Exhibit B to the Supplemental Affidavit of Daniel Gustafson dated December 9, 2008, is hereby adopted. Co-Lead Counsel shall provide a list to counsel for each claimant that

includes the claim number, social security number, total award, initial 40% payment amount, holdback or deduction amount and December payment amount and notice of this protocol (along with the attached Q and A) to all plaintiffs' counsel along with the December payment checks.

3. Plaintiffs' Co-Lead Counsel shall distribute any difference between holdback amounts and final Lien Resolution Amounts once those liens have been finally resolved. Plaintiffs' Co-Lead Counsel shall also distribute any remaining settlement funds to the Eligible Claimants pro rata once each Eligible Claimant has received their awarded amount less any final deductions for liens and once the administrative costs have been paid from the fund.

4. Co-Lead Counsel shall file a final accounting with the Court once all the distributions have been made from the Settlement Fund, including the subsequent distributions referenced above.

5. The Garretson Law Firm has certified that the global Medicare payment satisfies all federal Medicare (Part A and B) obligations in connection with the above-referenced settlement. Accordingly, Medtronic, its counsel, Plaintiffs and their counsel have satisfied any and all obligations to any governmental entity. The Garretson Law Firm has also certified that the holdback and deduction amounts applied to each claimant's recovery will ensure the appropriate funds to satisfy Medicaid obligations. Accordingly, each claimant, Medtronic and its counsel, and Plaintiffs and their counsel are deemed to have satisfied any and all obligations to governmental entities related to Medicare.

6. Co-Lead counsel shall distribute \$227,500 from the Settlement Fund to The Garretson Law Firm for the second partial payment for its services with regard to the global resolution of Medicare and Medicaid liens. Upon final resolution of the Medicare and Medicaid liens, Co-Lead Counsel shall distribute from the Settlement Fund the remaining \$97,500 to The Garretson Firm for final payment. Co-Lead counsel shall also distribute \$750,000 from the Settlement Fund to the Attorneys' Fees Allocation Committee, as set forth on Exhibit C of the Supplemental Affidavit of Daniel Gustafson dated December 9, 2008.

7. Co-Lead Counsel shall distribute \$120,000 from the Attorneys' Fees Fund to Objector Evette Gonzalez in full compensation for her objections and work in this litigation, as set forth in Exhibit E of the Supplemental Affidavit of Daniel Gustafson Affidavit, dated December 9, 2008.

8. The common-benefit expenses shall be disbursed from the Attorneys' Fees Fund to each of the Firms identified on Exhibit D of the Supplemental Affidavit of Daniel Gustafson, dated December 9, 2008, in the amounts set forth on that Exhibit.

9. The Supplemental Attorneys' Fees sought by certain Co-Lead Counsel and members of the Plaintiffs' Steering Committee for administrative work performed subsequent to the submission of time and expenses are approved and disbursements shall be made from the Attorneys' Fees Fund to the Firms identified and set forth on Exhibit E of the Supplemental Affidavit of Daniel Gustafson, dated December 9, 2008.

Dated: December 9, 2008

____s/Arthur J. Boylan_____
Arthur J. Boylan
United States Magistrate Judge